

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 JOYCE GRAHAM and JOYCE LAMPKIN on
12 behalf of themselves and those similarly
13 situated,

14 Plaintiffs,

15 v.

16 OVERLAND SOLUTIONS INC. and DOES 1
17 through 100, inclusive,

18 Defendants.

Case No. 10cv672-BEN (BLM)

**ORDER GRANTING IN PART AND
DENYING IN PART JOINT MOTION
TO MODIFY THE CASE
MANAGEMENT CONFERENCE
ORDER**

(Fed. R. Civ. P. 16)
(Local Rule 16.1)
(Fed. R. Civ. P. 26)

19 On July 9, 2010, the parties filed a Joint Motion to Modify the Case Management
20 Conference Order. Doc. No. 18. The parties state that the current schedule does not take into
21 consideration the fact that this is a Fair Labor Standards Act collective action, and that the dates
22 need to be extended in order to complete necessary discovery and depositions. Id. at 3.

23 A review of the joint motion shows that with the exception of the requests to modify the
24 dates for amending the pleadings and extending fact discovery, the requests are premised on
25 discovery concerns and problems that will only arise if a class is certified. Since a class has not
26 been certified at this time, the parties' joint motion is **DENIED IN PART**. If the class is later
27 certified, the parties may file a joint motion to extend dates if necessary. The Court does,
28 however, find it appropriate to **GRANT IN PART** the joint motion and modify the Court's May

25, 2010 scheduling order as follows:

1. Any motion to join other parties, to amend the pleadings, or to file additional pleadings shall be filed on or before **December 1, 2010**.

2. All non-expert discovery shall be completed by all parties on or before **February 25, 2011**. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cut-off date, so that it may be completed by the cut-off date, taking into account the times for service, notice, and response as set forth in the Federal Rules of Civil Procedure.

Counsel shall promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Federal Rule of Civil Procedure 37(a)(1) and Civil Local Rule 26.1(a). All discovery motions shall be filed within thirty (30) days after counsel have met and conferred and reached an impasse with regard to any particular discovery issue, but in no event shall discovery motions be filed more than sixty (60) days after the date upon which the event giving rise to the discovery dispute occurred. For oral discovery, the event giving rise to the discovery dispute is the completion of the transcript of the affected portion of the deposition. For written discovery, the event giving rise to the discovery dispute is either the service of the response, or, if no response was served, the initial date the response was due. In addition, all discovery motions must be filed within thirty (30) days after the close of discovery.

3. All other requirements, dates, and deadlines shall remain as previously set. See Doc. No. 14.

IT IS SO ORDERED.

DATED: July 14, 2010



BARBARA L. MAJOR
United States Magistrate Judge